
AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No.: 10/573,854

Attorney Docket No.: Q94187

AMENDMENTS TO THE DRAWINGS

FIGURES 2 and 3 have been added.

Attachment: New drawing sheets 2 and 3 with respective FIGURES 2 and 3.

REMARKS

Non-Compliant Information Disclosure Statement

Information Disclosure Statement filed on March 29, 2006 is objected to.

Applicants submit that four (4) foreign patent documents and one (1) non-patent document submitted with the Information Disclosure Statement on March 29, 2006, were cited in the International Search Report issued by the European Patent Office in the International Patent Application No. PCT/JP2004/014973 on April 6, 2005. As such, the cited references must have been submitted to the USPTO under a document exchange program. As Applicants stated in a correspondence to the USPTO on March 29, 2006, regarding the new application filing, “[i]n addition to the documents submitted herewith, it is assumed that copies of the International Application, the International Search Report and cited references, the International Preliminary Report on Patentability, and any Articles 19 and 34 amendments as required by §371(c) will be supplied directly by the International Bureau, but if further copies are needed, the undersigned will undertake to provide them upon request.” However, such request was never received regarding copies of the cited references.

Nonetheless, to advance the prosecution, Applicants submit the copies of the references requested by the Examiner, along with copies of the International Search Report issued in the International Patent Application No. PCT/JP2004/014973 and the PTO/SB08 submitted with the Information Disclosure Statement on March 29, 2006, and respectfully ask for consideration of the references. Applicants note that an English counterpart of the Chinese Patent Document CN 1287423 is U.S. Patent No. 6,826,408, also listed on the PTO/SB08.

Applicants believe that no fee is due for this submission. However, the Examiner is authorized to charge an associated fee to Deposit Account No. 19-4880.

Objection to the Drawings

The drawings stand objected to as not showing every feature of the invention specified in the claims. Applicants submit new drawings 2 and 3 to alleviate Examiner’s objections. No

new subject matter has been entered. It is respectfully requested that the objections to the drawings be withdrawn.

Objections to Specification

The specification has been amended to alleviate Examiner's objections and to insert reference numerals corresponding to the components of new Figures 2 and 3. No new subject matter has been entered. It is respectfully requested that the objections to the specification be withdrawn.

Applicants note that the Amendment to the Specification requesting adding the first paragraph cross-referencing related patent document does not seem to be entered with the Preliminary Amendment filed March 29, 2006. By the way of this Amendment, Applicants request confirmation of the entry of this paragraph.

Claims

Claims 1, 2, 4, 6-12, 16-18 and 21 are all the claims pending in the application.

Objections to Claims 6 and 16

Claims 6 and 16 have been amended to alleviate Examiner's objections. It is respectfully requested that the objections to claims 6 and 16 be withdrawn.

Rejections of Claims 11 and 21 under 35 U.S.C. § 112

Claims 11 and 21 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 11 and 21 have been amended to alleviate Examiner's rejections. It is respectfully requested that these grounds of rejections of **Claims 11 and 21** be withdrawn.

Claims Distinguish over Cited Prior Art

Claim 1 recites among other elements: "means for receiving otherwise than via the channel scheduling information related to the broadcast service from a service announcement phase." The Office Action concedes that Tatsumi does not disclose receiving the scheduling

information via the channel employed by the broadcast service. However, the Office Action alleges that the combination of Tatsumi and Sarkkinen teaches receiving the scheduling information via the channel employed by the broadcast service which channel is different from the broadcasting channel. Applicants respectfully traverse.

Tatsumi describes a transmission apparatus 2 which receives the program table PG1 from the broadcast station 3₁ and the program table PG2 from the broadcast station 3₂ via the communication network 4, and stores them. In response to the determination request from the reception apparatus, the transmission apparatus determines whether or not it is necessary to correct the preprogrammed program information which is currently stored in the reception apparatus. The transmission apparatus generates the notice data indicating whether or not the preprogrammed program information needs to be corrected if the reception apparatus changed location, and returns this to the reception apparatus. (¶93.) The notice includes corrected start and end times of the broadcast.

Sarkkinen describes how a PICH channel may be used to distinguish the long term multicast service announcement/advertising frames from the multicast data frames, the multicast control frame from the multicast data frame, indicate what kind of multicast service a UTRAN is currently scheduled to the air interface and what multicast services the UTRAN is going to schedule next. A starting time of when the next service is planned to transmit on a PICH channel is provided to decrease the time in which a UE should monitor a multicast physical channel. (¶32.) Therefore, Sarkkinen teaches away from the present invention by teaching to use the broadcasting channel to make a service announcement and transmit the scheduling information. Sarkkinen does not teach or suggest to use a different channel to make a service announcement.

Furthermore, the proposed modification of Tatsumi with Sarkkinen will modify the principle of operation of Tatsumi. As described above, a core of Tatsumi's is a transmission apparatus to receive the scheduling information of pre-programmed broadcasting from the broadcast stations and make a decision whether the broadcasting program stored in the mobile device needs to be updated based on the mobile device location. The transmission apparatus then sends a message to the mobile device including updated scheduling information, if necessary. It appears that the Examiner suggests to instead send a service announcement with the scheduling

information directly from the broadcast station to the mobile device, thus eliminating the need for the transmission apparatus to facilitate the broadcast schedule changes in the mobile device. Thus, the modification of Tatsumi with Sarkkinen will change the principle of operation of Tatsumi and otherwise render it unsatisfactory for its intended purpose.

Because the proposed modification of Tatsumi with Sarkkinen will change the principle of operation of Tatsumi, the teachings of Tatsumi and Sarkkinen do not render claim 1 *prima facie* obvious. One, skilled in the art, would not look to Sarkkinen to modify Tatsumi. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Therefore, there is no motivation or suggestion in references themselves or in the knowledge generally available to one skilled in the art at the time the invention was made to modify or combine the references' teachings.

Because (1) neither Tatsumi, nor Sarkkinen teaches or suggests at least "means for receiving otherwise than via the channel scheduling information related to the broadcast service from a service announcement phase" and because (2) there is no motivation or suggestion in references themselves or in the knowledge generally available to one skilled in the art at the time the invention was made to modify or combine the references' teachings, it is respectfully submitted that **claim 1 and dependent claims 2, 6-10, 17-18 and 21** distinguish patentably and unobviously over Tatsumi and Sarkkinen, taken singularly or in combination.

Claim 4 recites among other elements: "means for receiving, otherwise than via the channel, scheduling information over signaling levels provided by the broadcast service which signaling levels are different from a service announcement phase."

The Office Action concedes that Tatsumi does not disclose receiving scheduling information from the broadcast service. As discussed above, Sarkkinen discloses receiving scheduling information via the same channel which performs broadcasting. Additionally, the arguments above refuting *prima facie* obviousness apply with equal force here.

Because (1) neither Tatsumi, nor Sarkkinen teaches or suggests at least "means for receiving, otherwise than via the channel, scheduling information over signaling levels provided

by the broadcast service which signaling levels are different from a service announcement phase” and because (2) there is no motivation or suggestion in references themselves or in the knowledge generally available to one skilled in the art at the time the invention was made to modify or combine the references’ teachings, it is respectfully submitted that **claim 4** distinguishes patentably and unobviously over Tatsumi and Sarkkinen, taken singularly or in combination.

Claim 11 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. It is respectfully submitted that **claim 11 and dependent claims 12 and 16** distinguish patentably and unobviously over Tatsumi and Sarkkinen, taken singularly or in combination.

CONCLUSION

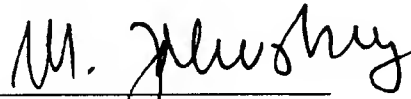
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No.: 10/573,854

Attorney Docket No.: Q94187

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Marina V. Zalevsky
Registration No. 53, 825

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 20, 2008